

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.263 OF 2007

Bhagwatiprasad Tibrewala & Ors. ...Appellants

vs.

Dr.M.S.Ruia & Ors. ...Respondents

Mr.R.N.Narula i/b M/s.Jhangiani Narula & Associates for the
Appellants
Mr.A.R.Patil,A.G.P. for State

CORAM: A.S.OKA, J.
DATE : APRIL 4, 2007.

P.C.:

1. Heard Shri Narula for the Appellants. The order impugned in this Appeal passed on 22nd February 2007 is an ad-interim order and Notice of Motion for injunction is yet to be heard. The first Respondent was sought to be removed from the post of trustee of a trust. Considering the nature of the dispute, at this stage, no interference can be made with the ad-interim order. However, Notice of Motion will have to be disposed of immediately.

2. Hence, Appeal is disposed of by passing the following order :

i) Appeal is dismissed with no order as to costs.

ii) The learned Trial Judge will dispose of the Notice of

Motion as expeditiously as possible and preferably on or before 27th April 2007.

- iii) However, on account of paucity of time the learned trial Judge is unable to dispose of the Notice of Motion, it will be open for the Appellants to take out an Application for vacating or modifying the ad-interim order which will be heard immediately.
- iv) All contentions of the parties on merits of the Notice of Motion are kept open. The Notice of Motion will be decided by the trial court without being influenced by the ad-interim order as well as the order passed by this Court.

JUDGE